the step of testing each isolated ligand for the capability of modulating the phosphorylation of the intracellular domain of the 26 kDa TNF.

--34. A method in accordance with claim 25 for screening for a ligand capable of modulating the phosphorylation of the intracellular domain of the 26 kDa TNF, further including the step of testing each isolated ligand for the capability of modulating the phosphorylation of the intracellular domain of the 26 kDa TNF.--

REMARKS

Claims 1-23 and 25-34 presently appear in this case. No claims have yet been acted upon on the merits. All of the claims have been subject to a restriction requirement. Reconsideration and withdrawal of this restriction requirement, and action of all the claims on the merits is hereby respectfully urged.

The examiner has enumerated forty-six allegedly independent and distinct inventions claimed by the present application. Respectfully, the size of this restriction requirement is uncalled for, particularly in view of the fact that the present application must be examined under the unity of invention standard and not U.S. restriction practice. The generic claims of the present application share a single inventive concept relating to modulation of the intracellular domain of the 26 kDa cell surface bound form of TNF. The

examiner has cited no art to establish that the generic claims are not patentable.

Furthermore, the examiner considers all of claims 12-32 to be drawn to methods based on the administration or use of compounds. However, the examiner has apparently overlooked the fact that claims 25-30 are not drawn to administration or use of these compounds but are drawn to methods for screening for such compounds. Such claims are not independent and distinct inventions. To clarify this, claim 28 has now been amended so as to be generic to all of claims 27, 29 and 30. Claims 27, 29, and 30 have been made dependent from claim 28. Furthermore, new claims 33 and 34 have been added depending from claims 25 and 26, respectively.

Nevertheless, the examiner considers that claim 29 falls into group XLIII. In order to be responsive, Applicant elects group XLIII, and specifically claim 29, which is drawn to the identification and production of a molecule capable of directly or indirectly modulating the phosphorylation of the intracellular domain of the 26 kDa TNF. Furthermore, as claim 28 is generic to claim 29, claim 28 and all those claims dependent therefrom should be examined with the same group. Similarly, claims 33 and 34 are drawn to the same invention as claim 29, as they are all based on the discovery that there is phosphorylation involved in the intracellular domain of the 26 kDa TNF protein. Accordingly, all of claims 25-30, and 33-34 should be examined, along with the elected claim 29,

particularly if the species of elected claim 29 is found to be allowable.

All of remaining claims 1-23 should also be examined with these claims, particularly if they are found to be allowable, as they are also linked as to form a single general inventive concept relating to the properties of the intracellular domain of the 26 kDa TNF protein.

Accordingly, reconsideration and withdrawal of the restriction requirement, particularly with respect to claims 25-30, 33 and 34, and examination of all the claims in this case are earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By _____
Roger L. Browdy
Registration No. 25,618

Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
RLB:edg
rlb\wall20.res